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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/807,208	04/11/2001	Takahiro Yoshida	016886/0183	4216

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EXAMINER

TIV, BACKHEAN

ART UNIT	PAPER NUMBER
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2151

DATE MAILED: 01/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/807,208

Applicant(s)

YOSHIDA ET AL.

Examiner

Backhean Tiv

Art Unit

2151

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) 4-10 and 14-19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 11-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6/01.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Detailed Action

This action is a response to the Election filed on 10/20/04. Claims 1-19 are pending in this application.

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C 121:

- I. Claims 1-3, 11-13 are drawn to separating devices based on input/output wavelength, classified in class 709, subclass 249.
- II. Claims 4,14, are drawn to recognizing devices based on test codes that is different from ordinary LAN code, classified in class 709, subclass 222.
- III. Claims 5, 15, are drawn to recognizing devices based on alarm code that is different from ordinary LAN code, classified in class 709, subclass 250.
- IV. Claims 6,7,16,17, are drawn to recognizing devices based on code TYPE that is not existing in a protocol, classified in class 709, subclass 220.
- V. Claims 8,9, 18,19 are drawn to recognizing devices based on the speed of the input/output, classified in class 709, subclass 248.
- VI. Claim 10, are drawn to recognizing devices based on the communication state and test state of the devices, classified in class 709, subclass 221.

Applicant's election without traverse of Group 1, claims 1-3,11-13 in the reply filed on 10/20/04 is acknowledged.

Priority

Acknowledgment is made of applicant's claim for priority under 35 U.S.C. 119(a)-(d) based upon an application filed in Japan on 9/29/1999. A claim for priority under 35

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U.S.C. 119(a)-(d) cannot be based on said application, since the United States application was filed more than twelve months thereafter.

Information Disclosure Statement

The IDS filed on 6/25/01, has been considered.

Specification

Any claims to priority should be stated in the specification under its own heading.

Claim Objections

Claims 2,3,11 are objected to because of the following informalities:

As per claim 2, 3,11, there is a semicolon after the preamble, this should be a colon, to read "the steps of:".

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1,12,13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claim 1,12,13 it is unclear what is being claimed as the invention. There is no indication of what the preamble is and when claim limitations begin.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,2,11,12 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 99/53719 issued to Golden in view of US Patent 5,973,809 issued to Okayama.

As per claim 1, 2,11,12 Golden teaches a LAN connecting device connectable to a LAN and connected to its opposite party device through a circuit using an optical fiber as a physical medium, said LAN connecting device comprising(Abstract, Fig.1; Ethernet uses fiber optics)

a communication means for performing an ordinary LAN communication between terminals of a physical communication or between terminals of a logical communication(pg.5, lines 4-13,Abstract),

a test communication means for performing a test of communication(pg.5, lines 29-34),

a test means for optionally performing a test of communication by means of said test communication means(pg.5, lines 29-34);

performing a maintenance test on a path between said LAN connecting devices(pg.5 line 35-pg.6, line1);

an alarm communication means for notifying an alarm state(pg.6, lines 32-35); and

LAN connecting device transferring alarm information with said opposite party device by means of said alarm communication means(pg.6, lines 32-35).

Golden, however, does not explicitly teach a separation means for separating from each other the input/output wavelength of said communication means and the input/output wavelength of said test communication means.

Okayama teaches a separation means for separating from each other the input/output wavelength of said communication means and the input/output wavelength of said test communication means (Abstract, Fig.3).

Therefore it would have been obvious to one ordinary skilled in the art at the time of the invention to modify the teaching of Golden to separate input/output wavelength of a communication device as taught by Okayama in order to reduce the number of wavelength (Okayama, Abstract).

One ordinary skilled in the art at the time of the invention would have been motivated to combine Golden and Okayama to provide a system to output an optical signal of a desired wavelength (Okayama, Abstract).

Claims 3,13 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 99/53719 issued to Golden in view of US Patent 5,973,809 issued to Okayama in further view of US Patent 6,591,368 issued to Ryu.

As per claim 3, 13, Golden teaches a LAN connecting device connectable to a LAN and connected to its opposite party device through a circuit using an optical fiber as a physical medium (Abstract, Fig.1; Ethernet uses fiber optics), said LAN connecting device comprising a communication means for performing an ordinary LAN communication between terminals of a physical communication or

between terminals of a logical communication(pg.5, lines 4-13,Abstract),
a status communication means for notifying a device status(pg.5, lines 1-pg.6, line 35).

Golden, however, does not explicitly teach a separation means for separating from each other the input/output wavelength of said communication means and the input/output wavelength of said test communication means.

Okayama teaches a separation means for separating from each other the input/output wavelength of said communication means and the input/output wavelength of said test communication means(Abstract, Fig.3).

Therefore it would have been obvious to one ordinary skilled in the art at the time of the invention to modify the teaching of Golden to separate input/output wavelength of a communication device as taught by Okayama in order to reduce the number of wavelength(Okayama, Abstract).

One ordinary skilled in the art at the time of the invention would have been motivated to combine Golden and Okayama to provide a system to output an optical signal of a desired wavelength(Okayama, Abstract).

Golden in view of Okayama however, does not explicitly teach LAN connecting device, when it comes into a power-off state, delivering a signal indicating the power-off state to said opposite party device by means of said status communication means.

Ryu teaches LAN connecting device, when it comes into a power-off state, delivering a signal indicating the power-off state to said opposite party device by means of said status communication means(Fig.1, col.5, lines 23-33).

Therefore it would have been obvious to one ordinary skilled in the art at the time of the invention to modify the teachings of Golden in view of Okayama to include indicating that a device is in a power off state as taught by Ryu in order to check the state of device(Ryu, col.1, line 44-col.2, line 34).

One ordinary skilled in the art would have been motivated to combine Golden, Okayama and Ryu to provide a system to have to turn on/off for a device(Ryu, col.1, lines 18-21).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Backhean Tiv whose telephone number is (571)272-3941. The examiner can normally be reached on 9 A.M.-12 P.M. and 1 -6 P.M. Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on (571) 272-3939. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BT

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2151
12/22/04



ZARNI MAUNG
SUPERVISORY PATENT EXAMINER